

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.6060 of 2001

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Date: 11.07.2007

Between:

Bala Prasad, S/o. Late Rajender Prasad,
Charkaman, Hyderabad.

..... PETITIONER

AND

The Inspector of Police,
P.S.Charminar,
Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.6060 of 2001

ORAL ORDER:

By means of filing this writ petition under Article 226 of the Constitution of India, the petitioner seeks a writ of *mandamus* declaring the action of the respondent in asking him to vacate the premises (Mulgi) bearing No.21-2-512, admeasuring 10 x 15' situated at Charkaman, Hyderabad, as illegal and unconstitutional, and to direct the respondent not to pressurize him to vacate the said property.

It is stated that the petitioner is regularly paying the rents, that he filed O.S.No.811 of 2001 on the file of the III Junior Civil Judge, City Civil Court, Hyderabad for perpetual injunction restraining his landlord, his associates and agents from interfering with his possession and dispossessing him without due course of law, and that he obtained ad-interim injunction in I.A.No.189 of 2001 on 26.02.2001. It is also stated that on 28.03.2001 when the petitioner went to the respondent/police station along with a copy of the injunction order and the complaint, the Inspector of Police has not evinced any interest to protect his right, but pressurized him to vacate and handover the possession *de hors* the injunction order.

The Inspector of Police filed a counter-affidavit stating that he received the complaint given by the petitioner on 28.02.2001 along with the interim orders, dated 26.02.2001, passed by the Civil Court and that after enquiry, he came to know that the dispute between the landlord and the petitioner is purely of civil nature. He denied the allegation of the petitioner that on 29.03.2001 one constable from the respondent police station visited the premises of the petitioner and asked him to come to the police station. He also denied the allegation that at the instance of the landlord he is trying to evict the petitioner from the said premises. It is also stated that on the basis of the complaint given by the petitioner, he warned one Sri R.Vijay Kumar on

28.02.2001 not to interfere with the business of the petitioner.

No reply-affidavit has been filed by the petitioner denying the averments made in the counter-affidavit.

In view of the counter-affidavit filed by the respondent stating that he never interfered with the possession of the petitioner, no further orders are necessary in this writ petition.

The writ petition is accordingly closed. There shall be no order as to costs.

A. GOPAL REDDY, J

Date: 11.07.2007

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